

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 10-51577

JESSE HUNT, *pro se*,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING IN PART, AS UNNECESSARY, AND GRANTING IN PART,
DEBTOR'S "MOTION FOR EXTENSION OF THE AUTOMATIC STAY AND MORE
TIME TO COMPLETE MISSING DOCUMENTS"**

This case is before the Court on a motion filed by the Debtor on April 16, 2010, entitled "Motion for Extension of the Automatic Stay and More Time to Complete Missing Documents" (Docket # 10, the "Motion"). The Motion seeks a continuation of the automatic stay, and a 21-day extension of time to file required documents.¹ To the extent the Motion seeks a continuation of the automatic stay, the Court must deny the Motion as unnecessary. 11 U.S.C. § 362(c)(3) does not apply in this case, and thus the automatic stay will not terminate under that section.

Section 362(c)(3)(A) provides:

(3) if a single or joint case is filed by or against debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b) —

(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

11 U.S.C. § 362(c)(3)(A). This provision does not apply to this case because Debtor did not have

¹ Debtor seeks a 21-day extension from April 16, 2010, or until May 7, 2010, to file required documents.

any case pending within the 1-year period before filing this case that was “dismissed.” For this reason, Debtor’s Motion is not necessary for the stay to continue. The automatic stay will not terminate under § 362(c)(3)(A).

To the extent the Motion seeks an extension of time to file required documents, the Court will grant this request, but not for the full 21 days that the Debtor requests.

Accordingly,

IT IS ORDERED that to the extent the Motion seeks a continuation of the automatic stay, the Motion (Docket # 10), is DENIED as unnecessary.

IT IS FURTHER ORDERED that to the extent the Motion seeks an extension of time to file required documents, the Motion (Docket # 10), is GRANTED to the following extent: the April 22, 2010 deadline to file required documents is extended until **April 29, 2010**.

Signed on April 20, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge